

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
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THIS DOCUMENT RELATES TO)	Hon. Patti B. Saris
01-CV-12257-PBS AND 01-CV-339)	Chief Mag. Judge Marianne B. Bowler
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**JOHNSON & JOHNSON DEFENDANTS' MOTION TO DETERMINE THE
SUFFICIENCY OF PLAINTIFFS' RESPONSES TO (1) REQUESTS FOR ADMISSIONS
AND INTERROGATORIES CONCERNING REMICADE, AND (2) REQUESTS FOR
ADMISSIONS AND INTERROGATORIES CONCERNING PROCRIT**

The Johnson & Johnson Defendants¹ respectfully move this Court for an order compelling plaintiffs to provide substantive responses to (1) The J&J Defendants' Requests for Admissions and Interrogatories Concerning Remicade dated August 1, 2005; and (2) The J&J Defendants' Requests for Admissions and Interrogatories Concerning Procrit dated August 1, 2005; and for such other and further relief as the Court deems just and appropriate. The grounds for this motion are set forth in the accompanying memorandum of law, declaration of Andrew D. Schau, and exhibits thereto.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d) the undersigned counsel hereby request oral argument on the issues set forth in this motion and the accompanying memorandum of law and exhibits.

¹ Johnson & Johnson, Centocor, Inc., Janssen Pharmaceutica Products, L.P., Ortho Biotech Products, L.P., Ortho McNeil Pharmaceuticals, Inc., McNeil Consumer & Specialty Pharmaceuticals, Ortho Neutrogena, and Johnson & Johnson Healthcare Systems, Inc.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certify that counsel for the J&J defendants conferred with counsel for plaintiffs regarding the issues addressed in this motion, but were unable to resolve or further narrow the issues.

Dated: September 21, 2005

Respectfully submitted,

/s/ Andrew D. Schau

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE)
PRICE LITIGATION) MDL No. 1456
)
) Master File No. 01-CV-12257-PBS
THIS DOCUMENT RELATES TO:)
THE AMENDED MASTER) Judge Patti B. Saris
CONSOLIDATED CLASS ACTION) Chief Mag. Judge Marianne B. Bowler
)

**[PROPOSED] ORDER GRANTING THE JOHNSON & JOHNSON DEFENDANTS'
MOTION TO DETERMINE THE SUFFICIENCY OF PLAINTIFFS' ANSWERS AND
OBJECTIONS TO (1) REQUESTS FOR ADMISSIONS AND INTERROGATORIES
CONCERNING REMICADE, AND (2) REQUESTS FOR ADMISSIONS AND
INTERROGATORIES CONCERNING PROCRIT**

Having considered each of the parties' submissions with respect to Johnson & Johnson Defendants' Motion To Determine The Sufficiency Of Plaintiffs' Answers And Objections To (1) Requests For Admissions And Interrogatories Concerning Remicade, And (2) Requests For Admissions And Interrogatories Concerning Procrit, the Court hereby grants the motion and orders plaintiffs to provide substantive responses to the requests at issue within fourteen days of this order.

Dated: _____

Hon. Marianne B. Bowler
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on September 21, 2005, a true and correct copy of the forgoing JOHNSON & JOHNSON DEFENDANTS' MOTION TO DETERMINE THE SUFFICIENCY OF PLAINTIFFS' ANSWERS AND OBJECTIONS TO (1) REQUESTS FOR ADMISSIONS AND INTERROGATORIES CONCERNING REMICADE, AND (2) REQUESTS FOR ADMISSIONS AND INTERROGATORIES CONCERNING PROCRIT was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Andrew D. Schau

Andrew Schau